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Attorneys for Defendant
JPMORGAN CHASE BANK, N.A.

IN THE UNITED STATES DISTRICT COURT
THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

WAYNE CHAN, et al.,
Plaintiffs,

v.

JPMORGAN CHASE BANK, N.A.,
Defendant.

) Case No. 16-cv-02497-EMC
)
) **STIPULATION TO EXTEND STAY OF**
) **ACTION PENDING LOAN**
) **MODIFICATION REVIEW;**
) **[~~PROPOSED~~] ORDER**

1 WHEREAS, on April 6, 2016, Plaintiffs filed this action against Defendant JPMorgan
2 Chase Bank, N.A. (“Chase”) in the California Superior Court, San Mateo County;

3 WHEREAS, May 9, 2016, Chase removed this action to this Court;

4 WHEREAS on July 21, 2016, Plaintiffs filed a First Amended Complaint (“FAC”);

5 WHEREAS, on July 14, 2016, Plaintiffs submitted a loan modification application to
6 Chase for consideration;

7 WHEREAS, on July 22, 2016, the parties stipulated to stay this action for 90 days pending
8 the outcome of Plaintiffs’ loan modification review;

9 WHEREAS, on July 22, 2016, the Court entered the stay, and ordered the parties to submit
10 a status report within 90 days, advising the Court of (a) the status of Plaintiffs’ loan modification
11 application; and the (b) the parties’ positions on whether the stay should remain in force or active
12 litigation resumed.

13 WHEREAS, although Plaintiffs’ loan modification review process remains ongoing, the
14 parties remain optimistic that this litigation may be resolved informally in the event Chase grants
15 Plaintiffs’ application for loan modification.

16 NOW THEREFORE, Plaintiffs and Chase HEREBY STIPULATE AND AGREE AS
17 FOLLOWS:

18 1. The stay entered by the Court on July 22, 2016 shall remain in force to allow loan
19 modification discussions to continue.

20 2. Within ninety (90) days of the Court’s entry of this stipulation, the parties shall file
21 a joint status report indicating (a) the status of Plaintiffs’ loan modification application, and (b) the
22 parties’ positions on whether the stay should remain in place or should be lifted and active
23 litigation resumed.

24 3. Chase shall have twenty (20) days from the date of any order lifting the stay to
25 answer, move to dismiss, or otherwise respond to the FAC.

1 IT IS SO STIPULATED.

2 DATED: October 19, 2016

3 DAVIS WRIGHT TREMAINE LLP
4 Joseph E. Addiego III
5 John D. Freed

6 By: /s/ John D. Freed
7 John D. Freed

8 Attorneys for Defendant
9 JPMORGAN CHASE BANK, N.A.

10 MELLEN LAW FIRM
11 Eunji Cho

12 By: /s/ Eunji Cho
13 Eunji Cho

14 One Embarcadero Center, Fifth Floor
15 San Francisco, CA 94111
16 Attorneys for Plaintiffs

17 **CERTIFICATION OF CONCURRENCE**

18 Pursuant to L.R. 5-1, I hereby attest that Eunji Cho, counsel for Plaintiffs Wayne and
19 Gladys Chan, has provided her concurrence in the electronic filing of the foregoing document
20 entitled STIPULATION TO EXTEND STAY OF ACTION PENDING LOAN MODIFICATION
21 REVIEW.

22 /s/ John D. Freed

23 John D. Freed
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27
28

~~[PROPOSED]~~ ORDER

Presently before the Court is the parties' Stipulation to Extend Stay of Action Pending Loan Modification Review. Good cause appearing, the Court GRANTS the stipulation to permit the parties to pursue loan modification as an alternative to litigation. Accordingly, the stay imposed on July 22, 2016 remains in place.

On or before ninety (90) days after the Court's issuance of this Order, the parties shall submit a joint status report advising the Court of (a) the status of Plaintiff's loan modification application, and (b) the parties' positions on whether the stay should remain in force or active litigation resumed.

Chase shall have twenty (20) days from the date of any order lifting the stay in this case to answer, move to dismiss, or otherwise respond to Plaintiffs' First Amended Complaint.

SO ORDERED . The CMC is reset from 11/10/16 to 1/26/17 at 9:30 a.m.
A joint CMC statement shall be filed by 1/19/17.

Date: 10/20/16

Hon. Edward M. Chen

United States

